



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
04w 04 04

ROGER R. WISE
PILLSBURY WINTHROP LLP
SUITE 2800
725 SOUTH FIGUEROA STREET
LOS ANGELES CA 90017-5406

COPY MAILED

APR 23 2004

OFFICE OF PETITIONS

In re Application of :
Tovinkere et al. :
Application No. 10/714,390 : ON PETITION
Filed: 14 November, 2003 :
Atty's Docket No. 81674-306505 :

This is a decision on the petition filed on 8 March, 2004, requesting that the above-identified application be accorded a filing date of 14 November, 2003, with Page 17 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 14 November, 2003.

Accordingly, on 17 February, 2004, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 14 November, 2003, but that Page 17 of the specification (description and claims) appeared to have been omitted.

In response, on 8 March, 2004, the present petition and a copy of page 17 of the specification was filed. Petitioners argue that Page 17 was filed with the other application papers on 14 November, 2003, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 14 November, 2003, and the above-identified application number, and identifies the application by title and acknowledges receipt of, *inter alia*, "25 Pages Spec." Petitioners request that the application, including Page 17 of the specification, be accorded a filing date of 14 November, 2003.

It is noted that a portion of the left edge of the postcard bearing the Office date stamp has been cut-off, including part of the number "2" in the 25 Pages Spec. However, petitioners have supplied an additional copy of the postcard without the stamp, and both cards are identical, and the 25 pages of specification is clearly readable on the card without the stamp. Therefore, considering the evidence presented as a whole, the copy without the Office-date stamp verifies that the copy with the stamp states that 25 pages of specification were present on filing.

A review of the record reveals that no Page 17 of the specification has been located among the application papers received on 14 November, 2003. However, the evidence is convincing that the application papers deposited on 14 November, 2003, included Page 17 of the specification (description and claims), which was subsequently misplaced in the Office. Therefore, the application, including Page 17 of the specification, is entitled to a filing date of 14 November, 2003.

The "Notice" mailed on 17 February, 2004, is withdrawn.

In view of the above, the petition is granted. The petition fee of \$130.00 is unnecessary. Petitioners may request a refund by writing to the Office of Finance, ATTN: Refund Section. A copy of this decision should accompany petitioners' request.

The application will be processed with the copy of Page 17 of the specification supplied on 8 March, 2004, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 14 November, 2003, using the application papers filed on that date, and the copy of Page 17 of the specification supplied with the present petition.

Telephone inquiries should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions